

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

and

NATURAL RESOURCES DEFENSE
COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.

2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

DEFENDANTS' MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL

Pursuant to Local Rule 5.3(b), Paragraph 11 of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Doc. No. 39) and R18 of the Electronic Filing Policies and Procedures of this Court, Defendants DTE Energy Company and Detroit Edison Company (collectively, "Detroit Edison") respectfully move for leave to file the exhibits identified below, in support of their Memorandum in Support of Motion *In Limine* to Exclude the Opinions of Philip Hayet (Doc. No. 148).

Detroit Edison seeks to have Exhibit 1 (Expert Report of Philip Hayet (Apr. 22, 2011)), Exhibit 2 (Rebuttal and Supplemental Expert Report of Philip Hayet (July 5, 2011 revised)) and Exhibit 3 (Deposition of Philip M. Hayet (July 15, 2011)) filed under seal because they contain confidential information under the terms of the Court's Stipulated Protective Order Regarding

Confidential Information and Documents (Doc. No. 39). Plaintiff and Intervenor-Plaintiffs consent to the relief sought in the Motion.

For the foregoing reasons, the undersigned respectfully requests that this Court grant Detroit Edison leave to file Exhibit 1 (Expert Report of Philip Hayet (Apr. 22, 2011)), Exhibit 2 (Rebuttal and Supplemental Expert Report of Philip Hayet (July 5, 2011 revised)), and Exhibit 3 (Deposition of Philip M. Hayet (July 15, 2011)) in support of their Memorandum in Support of Motion *In Limine* to Exclude the Opinions of Philip Hayet.

Respectfully submitted, this 5th day of August, 2011.

By: /s/ Harry M. Johnson, III

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2011, the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL** was served electronically only on the following attorneys of record in accordance with an agreement reached among the parties:

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